

Report of the Chief Executive

Appeal Summary

Application Number:	24/00221/FUL
Location:	Cloud House, 170 Nottingham Road, Stapleford
Proposal:	Retention of barn including elevational alterations, gabion wall, chicken coop, re-grading of land

APPEAL ALLOWED

DELEGATED DECISION TO REFUSE

RECOMMENDATION BY OFFICER – REFUSE

REASON FOR REFUSAL –

The application site lies within the Nottinghamshire Green Belt and the retention of the barn as built would constitute inappropriate development due to the overall size and height, materials used and fenestration installed being tantamount to a new dwelling and therefore by definition would be harmful to the Green Belt. Furthermore, it is considered there would be an unacceptable impact on openness which is the essential characteristic of the Green Belt. It is considered that very special circumstances have not been demonstrated and there are no other considerations which would clearly outweigh the policy conflict and by definition, the harm to the Green Belt. Accordingly, the proposal is contrary to Policy 8 - Development in the Green Belt of the Broxtowe Part 2 Local Plan (2019), and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2023 and there are no other material considerations that justify treating this proposal as an exception.

LEVEL OF DECISION – WRITTEN REPRESENTATIONS

The application was refused planning permission under delegated powers on 26 January 2025 and at appeal was considered by The Planning Inspectorate by way of written representations.

The Inspector issued a decision letter and considered the main issues to be:

- Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the provisions of the National Planning Policy Framework (the Framework);
- The effect on the openness of the Green Belt;
- The effect on the character and appearance of the area;
- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify it

The appeal relates to a smallholding extending to some 1.2 hectares to the south of dwellings on Severals. It includes a dwelling with front and rear gardens and associated outbuildings to the eastern side of the entrance drive. The building to which the appeal relates is located to the west of the dwelling and centrally within the site, across a flat, hard surfaced area leading from the top of the driveway. Beyond this, the site comprises an open field wrapping around the appeal building on three sides. The overall site slopes significantly up from the neighbouring buildings on Severals to a high point on the southern boundary. Established treelines enclose the field to the western, southern and eastern sides.

The appeal building measures some 18m wide, 12m deep and 7m high to the ridge of the pitched roof. It has two floors internally; each divided into a number of rooms/spaces. A chicken coop forms one such space to the ground floor, extending out into an external section to the front of the building enclosed by post and wire fencing. The building sits on a flat, re-graded site which has been cut into the sloping ground, with a substantial gabion wall wrapping around the building to the sides and rear to retain the higher ground levels beyond. The flattened area of land extends in front of the building forming a hard surfaced area for access.

The Inspector's conclusions can be summarised as follows:

- Inspector concludes that the development, being an agricultural building for agricultural use, would not be inappropriate development in the Green Belt
- As such, the development would not have an adverse impact on the openness of the Green Belt or the purposes of including land within it and therefore no requirement to prove Very Special Circumstances
- In respect of character and appearance, the Inspector concludes that whilst the building is large, this is appropriate for the use and context, the development preserves the character and appearance of the area
- Other matters, such as the 'domestic' appearance of the building and potential future use are speculative and, in any case, would need a separate grant of planning permission. The inspector is satisfied that there would be no impact on neighbour amenity.

The Inspector granted permission subject to a condition relating to compliance with submitted drawings.